

From: "Carl Johnston" <CJOHNSTO@osmre.gov>
To: <DARONHADDOCK@utah.gov>
Date: 7/14/03 9:48AM
Subject: Plateau Mining Corporation - "Willow Creek" Mine - Application for a Revised Reclamation Plan

Attached is OSM's preliminary decision regarding the need for a Mine Plan Determination for the above subject. A signed copy will be sent to you in today's mail.

In accordance with the Federal regulations under 30 CFR 740.13(d), other Federal agencies that may have an interest in, or jurisdiction over, the above subject operation have also been notified of OSM's decision electronically.

CC: <George_Tetreault@blm.gov>, <James_Kohler@blm.gov>, <creed01@fs.fed.us>, <laura_romin@fws.gov>, "Mitchell Rollings" <MROLLING@osmre.gov>, "Ranvir Singh" <RSINGH@osmre.gov>, <PAMGRUBAUGHLITTIG@utah.gov>, <SHEILAMORRISON@utah.gov>

UT-0071

July 14, 2003

Mr. Daron Haddock
Utah Division of Oil, Gas, & Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

RE: Plateau Mining Corporation - "Willow Creek" Mine - Application for a Revised Reclamation Plan

Dear Mr. Haddock:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) July 8, 2003, request for a decision, under 30 CFR 947.30, whether the above subject permit revision constitutes a mining plan modification.

Mining plan approvals by the Secretary of the Interior are required under the Mineral Leasing Act of 1920, 30 U.S.C 181, *et seq.* before coal mining can occur on Federal lands. This letter serves to document OSM's determination whether or not a mining plan approval from the Secretary is required for the above permitting action.

OSM's review of the Application for a Revised Reclamation Plan has determined that it proposes to change the methods for the backfilling shafts per a Mine Safety and Health Administration (MSHA) approved plan. The revised backfilling plan addresses monitoring of the methane prior to cap removal, ventilation of the shafts and immediate mine workings, continuous methane monitoring of the environment during backfilling activities, backfilling the shafts simultaneously with the spoil material generated during the sinking of the shafts, and use of boulders and broken concrete from adjacent facility foundations at the Willow Creek deep mine, Utah State permit C/007/038.

Based on a review of the activities associated with the permit revision, OSM has determined that the proposal does not meet the requirements of 30 CFR ' 746.11(a) and 746.18(d)(6). Therefore, since no changes in the recovery of Federal coal is involved, or a change in the post mining land use of Federally owned surface lands, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

Please notify the applicant of our decision on this matter.

OSM's decision does not, however, relieve UT-DOGM from coordinating the review and approval of the Application for a Revised Reclamation Plan with other Federal agencies for compliance with other Federal regulations.

Please notify the applicant of our decision on this matter.

Should you have any questions regarding this letter or approval, please contact Carl R. Johnston, Utah Federal Lands coordinator, at (303) 844-1400, extension 1500.

Sincerely,

Ranvir Singh
Manager, Northwest Branch

cc: Denver Field Division